

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JONATHAN COLLIN AUTRY,

Plaintiff,

v.

SACRAMENTO COUNTY, *et al.*,

Defendants.

Case No. 2:22-cv-00554-TLN-JDP (PC)

**ORDER**

FINDING THAT THE SECOND  
AMENDED COMPLAINT STATES  
VIABLE FOURTEENTH AMENDMENT  
CLAIMS AGAINST DEFENDANTS  
SACRAMENTO COUNTY, BABU, KIM,  
AND ABDULLA

DENYING PLAINTIFF'S MOTION FOR  
WEEKLY LAW LIBRARY ACCESS

ECF Nos. 32 & 39

**FINDINGS AND RECOMMENDATIONS**

THAT ALL OTHER CLAIMS AND  
DEFENDANTS BE DISMISSED

ECF No. 32

OBJECTIONS DUE WITHIN FOURTEEN  
DAYS

Plaintiff, a state prisoner, brings this § 1983 case and alleges that, during his time at the Sacramento County Jail, defendants violated his rights by denying him adequate medical care and failing to comply with the Americans with Disabilities Act ("ADA"). I find that plaintiff has stated Fourteenth Amendment failure-to-provide-adequate-medical-care and ADA claims against

defendants Babu, Kim, Abdulla, and Sacramento County. I also find, however, that plaintiff's claims against defendant Susan are insufficiently related to his other claims, and should be dismissed so that plaintiff may, if he so chooses, bring them in a separate action.

## Screening Order

### I. Screening and Pleading Requirements

A federal court must screen the complaint of any claimant seeking permission to proceed *in forma pauperis*. See 28 U.S.C. § 1915(e). The court must identify any cognizable claims and dismiss any portion of the complaint that is frivolous or malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief from a defendant who is immune from such relief. *Id.*

A complaint must contain a short and plain statement that plaintiff is entitled to relief, Fed. R. Civ. P. 8(a)(2), and provide “enough facts to state a claim to relief that is plausible on its face,” *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007). The plausibility standard does not require detailed allegations, but legal conclusions do not suffice. See *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). If the allegations “do not permit the court to infer more than the mere possibility of misconduct,” the complaint states no claim. *Id.* at 679. The complaint need not identify “a precise legal theory.” *Kobold v. Good Samaritan Reg’l Med. Ctr.*, 832 F.3d 1024, 1038 (9th Cir. 2016). Instead, what plaintiff must state is a “claim”—a set of “allegations that give rise to an enforceable right to relief.” *Nagrampa v. MailCoups, Inc.*, 469 F.3d 1257, 1264 n.2 (9th Cir. 2006) (en banc) (citations omitted).

The court must construe a pro se litigant’s complaint liberally. See *Haines v. Kerner*, 404 U.S. 519, 520 (1972) (per curiam). The court may dismiss a pro se litigant’s complaint “if it appears beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief.” *Hayes v. Idaho Corr. Ctr.*, 849 F.3d 1204, 1208 (9th Cir. 2017). However, “a liberal interpretation of a civil rights complaint may not supply essential elements of the claim that were not initially pled.” *Bruns v. Nat’l Credit Union Admin.*, 122 F.3d 1251, 1257 (9th Cir. 1997) (quoting *Ivey v. Bd. of Regents*, 673 F.2d 266, 268 (9th Cir. 1982)).

## II. Analysis

Plaintiff alleges that he has had unspecified partial amputations to his right foot and that, during his time at the Sacramento County Jail, defendants failed to provide him with appropriate foot ware, prosthetics, and ADA accommodations. ECF No. 34 at 5. He attributes these failings to policies and procedures of the county, *id.*, and the specific actions—or, in some cases, inactions—of defendants Babu, Kim, and Abdulla, *id.* at 6-7, 11. These allegations are, for screening purposes, cognizable.

By contrast, plaintiff's allegations against defendant Susan, a nurse, appear unrelated to his amputation (and attendant health issues). He claims that Susan told other inmates he was taking psychiatric medication and accused him of being a "master manipulator." *Id.* at 8. He also alleges that, in November 2022, he suffered a "psychosomatic attack" and a "paralysis lock up" that Susan ignored. *Id.* at 9. These allegations appear distinct from his ADA and other medical claims concerning his foot. Accordingly, they should be brought, if at all, in a separate action. *See George v. Smith*, 507 F.3d 605, 607 (7th Cir. 2007) (citing 28 U.S.C. § 1915(g)); *see also* Federal Rule of Civil Procedure Rule 21 (providing that a court may add or drop parties "at any stage of the action and on such terms as are just"). It does not appear that plaintiff would be prejudiced if he were required to bring these claims in a separate suit insofar as it appears his claims would still be timely if they were brought anew today. *See* Cal. Civ. Proc. Code §§ 335.1, 352.1(a) (two-year statute of limitations for personal injury claims and a two-year tolling period due to incarceration).

Finally, I will deny plaintiff's motion for weekly access to the North Kern State Prison law library. ECF No. 39. The level of law library access at this facility is not at issue in this suit, and I decline to issue orders impacting the operations of that prison. Plaintiff may, however, show this order to the relevant officials at the prison as evidence that he is litigating a case in federal court, and remind them of his constitutional right to access the courts.

Accordingly, it is ORDERED that:

1. This action shall proceed based on the Fourteenth Amendment inadequate medical care and ADA claims against defendants Sacramento County, Babu, Kim, and Abdulla.

1           2. The Clerk of court shall send plaintiff four USM-285 forms, a summons, a Notice of  
2 Submission of Documents form, an instruction sheet, and a copy of the second amended  
3 complaint filed December 11, 2023, ECF No. 32.

4           3. Within thirty days from the date of this order, plaintiff shall complete the attached  
5 Notice of Submission of Documents and submit the completed Notice to the court with the  
6 following documents:

- 7               a. one completed summons for the defendants;  
8               b. four completed USM-285 forms; and  
9               c. five copies of the signed December 11, 2023 complaint.

10          4. Plaintiff need not attempt service on defendants and need not request waiver of service.  
11 Upon receipt of the above-described documents, the court will direct the U.S. Marshals Service to  
12 serve the above defendants pursuant to Federal Rule of Civil Procedure 4, without payment of  
13 costs by plaintiff.

14          5. The failure to comply with this order may result in the dismissal of this action.

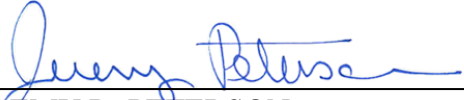
15          6. Plaintiff's motion for law library access, ECF No. 39, is DENIED.

16          Further, it is RECOMMENDED that the claims against defendant Susan be dismissed  
17 without prejudice as insufficiently related to the other claims in this action.

18          These findings and recommendations are submitted to the United States District Judge  
19 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days  
20 after being served with these findings and recommendations, any party may file written  
21 objections with the court and serve a copy on all parties. Such a document should be captioned  
22 "Objections to Magistrate Judge's Findings and Recommendations." Any response to the  
23 objections shall be served and filed within fourteen days after service of the objections. The  
24 parties are advised that failure to file objections within the specified time may waive the right to  
25 appeal the District Court's order. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez*  
26 *v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

1  
2 IT IS SO ORDERED.

3  
4 Dated: March 13, 2024

  
JEREMY D. PETERSON  
UNITED STATES MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JONATHAN COLLIN AUTRY,

Plaintiff,

v.

SACRAMENTO COUNTY, et al.,

Defendants.

Case No. 2:22-cv-00554-TLN-JDP (PC)

NOTICE OF SUBMISSION OF  
DOCUMENTS

In accordance with the court's Screening Order, plaintiff must submit:

- |          |   |
|----------|---|
| <u>1</u> | completed summons form                    |
| <u>4</u> | completed forms USM-285                   |
| <u>5</u> | copies of the December 28, 2023 complaint |

\_\_\_\_\_  
Plaintiff

Dated: